REMARKS

Claims 1-30 were rejected in the Office Action dated January 10, 2008 ("Office Action"). Claims 1, 3-8, 11-14, 16-21 and 24-30 were rejected under the doctrine of nonstatutory obviousness-type double patenting. Claims 1-3, 5-16, and 18-30 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over United States Patent 5,708,845 ("Wistendahl") in view of United States Patent 5,873,076 ("Barr"), and in further view of United States Patent 5,936,940 ("Liddy"). Claims 4 and 17 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Wistendahl, Barr, and Liddy in view of United States Patent 6,243,676 ("Witteman"). Claims 1, 4, 5, 7, 9, 10, 11, 14, 17, 18, 20, 22, 23, 24, and 27-30 are amended and claims 31-34 are new. Support for the claim amendments and new claims may be found, for example, in paragraphs 0037-0044 and 0053-0055 of the specification, as well as in figures 2-5.

For at least the following reasons, the rejections of all pending claims should be withdrawn and the claims should be passed to issue. While this paper is believed to completely address all pending rejections, Applicants reserve the right to set forth other reasons supporting the patentability of the claims, including reasons supporting the separate patentability of dependent claims not explicitly addressed herein, in future papers.[1] Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

I. Double Patenting Rejection

The Examiner asserted that claims 1, 3-8, 11-14, 16-21 and 24-30 were rejected under the judicially created doctrine of "obviousness-type" double patenting with respect to claims 1-8, 10-19 and 21-22 of parent U.S. Patent No. 6,757,866 ("'866 patent"). Applicants do not acquiesce with

[1] As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome any rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

this basis of rejection. Specifically, no claim of the '866 patent recites "identifying a temporal range." Additionally, weighing terms "according to a temporal position of the term within the temporal range" is not an obvious variation of the subject matter claimed in the '866 patent.

Accordingly, this basis of rejection should be withdrawn for at least the forgoing reasons.

II. Sec. 103 Rejections

Under the analysis required by Graham v. John Deere, 383 U.S. 1 (1966), the scope and content of the cited references must first be determined, followed by an assessment of the differences between the cited references and the claim at issue. Additionally, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j).

The scope and content of the cited references, as evidenced by Wistendahl in combination with Barr and Liddy, does not include a suggested configuration that includes all of the recitations of the independent claims. The differences between the cited references and the claimed subject matter are significant because Applicant's claimed subject matter provides for "identifying a temporal range" and "[weighting] the term score of a term … according to a temporal position of the term within the temporal range." However, as will be discussed in detail below, any combination of Wistendahl, Barr, and Liddy does not teach or suggest "identifying a temporal range" or "[weighting] the term score of a term … according to a temporal position of the term within the temporal range." Because Wistendahl, Barr, and Liddy fail to teach or suggest the subject matter of the claims, the rejections under 35 U.S.C. §103(a) based on Wistendahl, Barr, and Liddy should be reconsidered and withdrawn.

A. Independent Claims 1 & 14

1. "identifying a temporal range"

As amended, claim 1 recites "in response to a signal of interest at a particular time during the temporal document, identifying a temporal range of the temporal document for which related

documents are to be found" in the context of entire claim. As amended, claim 14 recites a "means for identifying a temporal range of the temporal document for which related documents are to be found, in response to a signal of interest at a particular time during the temporal document" in the context of the entire claim. Accordingly, claims 1 and 14 each recite "identifying a temporal range." The Examiner alleged that Wistendahl teaches the forgoing recitation by explaining that "as the movie runs, the user can point the remote control pointer to a designated actor or object appearing on the television display and click on the desired object." (Office Action, p. 4.) Wistendahl relates to interactive digital media (IDM) including identified objects that are linked with hot spots to interactive functionality. (Wistendahl, Abstract.) However, Wistendahl merely discloses the selection of identified objects, or hot sports, and fails to teach or suggest "identifying a temporal range." Wistendahl discloses the following user interaction:

> Clicking the pointer results in the target's display location coordinates being detected by the pointer detector module 44. The target's coordinates are input via the console processor 40 to the IDM program running concurrently with the movie. As indicated at box 41a, the IDM program compares the target's coordinates to the N Data mapping of "hot spots" stored in memory to identify when a "hot spot" has been selected, and then executes the response programmed by the hyperlink established for that "hot spot," as indicated at box 41b.

(Wistendahl, col. 8, lines 45-54.)

Accordingly, Wistendahl merely provides for the selection of a hot spot that is instantly on the screen. However, Applicants make reference in the specification that:

> a user may not be able to instantaneously think about the changing material that is being presented, make a decision that he is interested, and give the required signal. Moreover, it is understood that while the user sometimes may make a decision about interest based upon what appears or is heard at a particular instant, at other times the decision may be based upon a sequence of material presented over a period of time, rather than based upon the material at a particular instant.

(Specification, par. 0038.)

Accordingly, "identifying a temporal range" is clearly distinguished from the selection of an object or hot spot that is instantaneously presented to the viewer.

Wistendahl disclosure that the same object may appear in multiple frames throughout the IDM also does not teach or suggest "identifying a temporal range." From the perspective of the viewer, it is irrelevant that the same object may be present in multiple frames. Wistendahl is merely concerned with what is instantly being presented to the viewer at the time of selection and provides no teaching or suggestion of "identifying a temporal range." Moreover, Wistendahl only executes the function associated with the selected object and is wholly unconcerned with objects from previous frames. Accordingly, even though an object may be presented in multiple frames, selecting the hotspot associated with the object does not teach or suggest "identifying a temporal range."

Wistendahl further discloses an authoring tool including an object motion tracking tool used to track an identified object over multiple frames. (Wistendahl, col. 10, lines 27-30.) This authoring tool facilitates that association of hot spots to identified objects by allowing the operator to identify an object in a first frame and automatically apply the same hot spot to the object in subsequent frames. (Id.) Accordingly, the authoring tool merely tracks the object over multiple frames and does not "[identify] a temporal range." Even if, arguendo, tracking an object over multiple frames teaches "identifying a temporal range," it does not teach or suggest the forgoing recitation as recited in the context of claims 1 and 14.

Barr and Liddy are unrelated to temporal documents and therefore fail to teach or suggest "identifying a temporal range."

Accordingly, the Section 103 rejections of claims 1 and 14, as well as the rejections of the dependent claims, should be withdrawn for at least the forgoing reasons.

2. "the term score of a term is weighted according to a temporal position of the term within the temporal range"

As amended, claims 1 and 14 each recite that "the term score of a term is weighted according to a temporal position of the term within the temporal range." As discussed above, neither Barr nor Liddy are related to temporal documents and therefore do not teach or suggest that "the term score of a term is weighted according to a temporal position of the term within the

temporal range." Wistendahl does not teach or suggest terms and term scores at all, much less that "the term score of a term is weighted according to a temporal position of the term within the temporal range."

Accordingly, the Section 103 rejections of claims 1 and 14, as well as the rejections of the dependent claims, should be withdrawn for at least the forgoing reasons.

B. Dependent Claims

Claims 27-34 are patentable at least by virtue of their dependence on an allowable base claim. In addition, the claims are independently patentable. For example, claims 27 and 31 recite that "the temporal range precedes the particular time of the signal of interest." Even if, arguendo, the cited references teach "the temporal range" there clearly is no teaching or suggestion that "the temporal range precedes the particular time of the signal of interest." Claims 28 and 32 recite that "each temporal position within the temporal range is weighted equally." The cited references fail to teach or suggest "temporal position[s] within the temporal range," let alone positions that are "weighted equally." Claims 29 and 33 recite that "the weight of each temporal position within the temporal range increases from a beginning point of the range to a second point of the range, is weighted equally from the second point of the range to a third point of the range, and decreases from the third point of the range to an end point of the range." However, the cited references fail to teach or suggest a "weight of each temporal position" much less increasing weights, equal weights, and decreasing weights based on "a beginning point," "a second point," "a third point," and "an end point." Claims 30 and 34 recite that "each temporal position within the temporal range is weighted according to a discrete two stage exponential function." Again, the cited references fail to teach or suggest "temporal position[s] within the temporal range," much less positions that are "weighted according to a discrete two stage exponential function."

Accordingly, the Section 103 rejections of claims 27-30 should be withdrawn for at least the forgoing reasons.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under Order No. 65632-0536. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

Respectfully submitted,

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